



CITY OF RICHMOND

DEPARTMENT OF PUBLIC UTILITIES

OFFICE OF THE DIRECTOR

November 8, 2010

Water Docket
Environmental Protection Agency
Mailcode: 28221T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Department of Conservation and Recreation
Commonwealth of Virginia
203 Governor Street
Richmond, VA 23219

Re: EPA Water Docket ID No. EPA-R03-OW-2010-0736, Draft Total Maximum Daily Load ("TMDL") for the Chesapeake Bay; and Virginia Chesapeake Bay Watershed Implementation Plan ("WIP")

To Whom It May Concern:

Thank you for the opportunity to comment on EPA's Draft TMDL for the Chesapeake Bay and Virginia's WIP. We own and operate a municipal separate storm sewer system ("MS4") within the Chesapeake Bay watershed. This drainage system conveys and discharges stormwater pursuant to a state-issued National Pollutant Discharge Elimination System ("NPDES") permit. To the extent that our MS4 conveys nutrients and sediments covered by the Draft TMDL, those pollutants originate predominantly from air deposition, fertilizer use or other third party sources, and the MS4 is simply a conduit.

Our most significant concerns with EPA's Draft TMDL and Virginia's WIP relate to the lack of transparency in this regulatory process, particularly regarding lack of disclosure and analysis of costs related to urban stormwater. We understand that in other EPA documents urban stormwater costs for the Bay TMDL have been estimated at an annual cost of \$7.9 billion. Similarly, we understand that the Center for Watershed Protection has reported costs on the order of \$88,000 per acre for urban retrofits. To translate these types of costs estimates to the household level, last month a national engineering firm reported to the Virginia Municipal Stormwater Association ("VAMSA") that EPA's Draft TMDL's costs may be on the order of \$700 to \$1,800 per household per year, for urban stormwater management alone, during the 15-year implementation period. Obviously, costs in that range are extremely high if not completely unaffordable.

We appreciate and support Virginia's inclusion of an expanded trading program as a local implementation option. Virginia has a nationally recognized point-point trading program that currently includes domestic and industrial wastewater treatment plants. We believe that expansion of Virginia's trading program is one way to provide flexibility to help make attainment more feasible.

Finally, we understand that the Draft TMDL is materially flawed as a technical matter. Serious computer modeling deficiencies are documented in the comments of VAMSA. We request that EPA fully consider and address all of VAMSA's comments, which we generally support and hereby incorporate by reference as if fully set forth herein.

In addition, as the Chesapeake Bay Program has long ago determined, the James River does not influence of mid-Bay water quality and any regulation of James River nutrient discharges should occur only for local water quality protection. Locally, the applicable water quality standard is chlorophyll standard adopted by Virginia in 2005 and approved by EPA. However, the appropriateness of that standard is in question in part due to EPA's unilateral changes to the computer model it uses to judge the adequacy of Virginia's actions. In fact, Virginia has determined in its WIP (September 2010) at pages 14-15 that the chlorophyll standard is faulty and that "additional scientific study is needed to provide a more precise and scientifically defensible basis for setting final nutrient allocations." We agree with this finding and determination by Virginia, and we also support Virginia's "Four Part James River Strategy" at pages 15-17 of the WIP to address these major technical problems.

In conclusion:

1. The City of Richmond (COR) strongly supports the primary use standard of the James River and that the applicable water quality standards should be based on sound scientific and engineering principles protective of that use.
2. COR ratepayers have the highest wastewater rates in the Commonwealth of Virginia for major metropolitan areas (Draper Aden 2010) and the stormwater utility is one of only a handful in the Commonwealth and the only one in the Richmond metropolitan area.
3. The projected COR capital improvement plan program for the Chesapeake TMDL is \$30 million for wastewater and \$500 – 800 million for stormwater.
4. The recurring annual operating costs for the improvement for the Chesapeake Bay TMDL are estimated in the \$100s of millions for wastewater and stormwater.
5. The rate impact of the Chesapeake Bay TMDL improvements has been calculated to increase the wastewater bill to the ratepayers by 4% per year for 20 years and to increase the stormwater bill from \$45 per equivalent residential unit (ERU) to \$300 – 700 per ERU.
6. Current 10 year COR capital improvements plan program for wastewater and stormwater collection and treatment total in the \$10s of millions of dollars for each fiscal year funded by the ratepayers.
7. COR is proactively implementing the stormwater management program through the voluntary establishment of the stormwater utility in difficult economic circumstances.

For further information, please contact Michelle Virts at 804-646-5302.

Sincerely,



Robert C. Steidel

Interim Director Department of Public Utilities

c: Mr. Alan Pollock, VA DEQ (alan.pollock@deq.virginia.gov)
Mr. Russ Perkinson, VA DCR (russ.perkinson@dcv.virginia.gov)
Mr. Christopher Beschler, Deputy Chief Administrative Officer, City of Richmond
Mr. Greg O'Halloran, Assistant City Attorney, City of Richmond
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